

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

NATIONAL GRID COMMUNICATIONS, INC.,)
)
Plaintiff)
) C. A. NO. 05-30131-MAP
V.)
)
TOWN OF LENOX and)
LENOX ZONING BOARD OF APPEALS,)
)
Defendants)

JOINT SCHEDULING STATEMENT

The Plaintiff, National Grid Communications, Inc., and the Defendants, Town of Lenox and Lenox Zoning Board of Appeals, respectfully submit this Joint Statement pursuant to Local Rule 16.1.

I. PROPOSED AGENDA FOR SCHEDULING CONFERENCE

The parties jointly propose that the scheduling conference focus on the scheduling of discovery and dispositive motions.

II. PROPOSED DISCOVERY AND MOTION SCHEDULE

The parties jointly propose that discovery in this matter be conducted in accordance with the schedule set forth below. The parties confirm their obligation to limit discovery pursuant to Rule 26(b), Fed.R.Civ.P., and have considered the possibility of conducting phased discovery.

- A. Deadline for service of written discovery: October 14, 2005.
- B. Deadline for agreement by parties on contents of Zoning Board of Appeals hearing record: October 14, 2005
- C. Deadline for response to written discovery: November 18, 2005.

- D. Expert disclosures due: December 2, 2005.
- E. Expert depositions completed: January 13, 2006.
- F. Plaintiff's Rule 56 or other dispositive motions filed: January 20, 2006.
- G. Defendants' dispositive motions and responses to Plaintiff's dispositive motions filed: February 17, 2006.

III. OTHER MATTERS

The parties shall separately submit to the Court their certifications pursuant to Local Rule 16.4.

The parties do not consent to trial by Magistrate Judge.

Respectfully submitted,

NATIONAL GRID
COMMUNICATIONS, INC.,

By: /s/ Kenneth Ira Spigle
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TOWN OF LENOX and LENOX
ZONING BOARD OF APPEALS,

By: /s/ Jerome J. Scully
Jerome J. Scully (BBO # 449660)
By: /s/ Anthony C. Blair
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Dated: September 7, 2005